

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHRISTOPHER THOMAS BURGHER :

v. :

ANDREW SAUL,¹
Commissioner of Social Security

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:**

CIVIL ACTION NO. 18-360

ORDER

This 27th day of January, 2020, on the basis of *Cirko v. Berryhill*, No. 19-1772

(3d Cir. January 23, 2020), it hereby **ORDERED** that the stay in this action is lifted. It is further **ORDERED** that:

1. The Report and Recommendation of United States Chief Magistrate Judge Linda K. Caracappa is **APPROVED** and **ADOPTED**;
2. Plaintiff's Request for Review is **GRANTED**; and
3. The matter is **REMANDED** to the Commissioner for assignment to a constitutionally appointed Administrative Law Judge other than the judge who previously provided for a *de novo* hearing.

/s/ Gerald Austin McHugh
United States District Judge

¹ Andrew Saul is now the Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Andrew Saul should be substituted for Acting Commissioner Nancy A. Berryhill as the defendant in this suit. No further action needs to be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).